

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JEROME CORSI,
Plaintiff,

v.

ROBERT MUELLER, et al
Defendants

Civil Action No. 1:18-cv-02885

PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO STAY

Plaintiff Jerome Corsi (“Mr. Corsi”) submits the following in response to Defendants’ Motion to Stay the January 3, 2019 hearing based on a “lapse of appropriations.” ECF No. 7. Defendants’ motion is, in practice, proffered tactically for delay.

Indeed, the so called “government shutdown” is only partial, and Defendants Robert Mueller and the Office of the Special Counsel, which is an integral part of the U.S. Department of Justice, is excepted in any event. Exhibit 1. Thus, Special Counsel Mueller’s prosecutors and legal counsel can, at a minimum, be present at the hearing on January 3, 2019.

Furthermore, it is highly doubtful that U.S. Department of Justice attorneys are actually prohibited from working. By counsel for Defendants’ own admission, any furlough does not apply across the board and is not applicable in compelling circumstances. 31 U.S.C. § 1342. Here, Mr. Corsi has pled an ongoing constitutional violation to his right to privacy in violation of the Fourth Amendment – a fundamental constitutional right. As ruled in the landmark case of *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009), “it has long been established that the loss of constitutional freedoms, `for even minimal periods of time, unquestionably constitutes irreparable injury.’” In fact, the undersigned counsel has today, after this supposed furlough, been receiving today substantive pleadings prepared and filed by U.S.

Department of Justice attorneys all morning and afternoon in various cases. This shows that they can work and are working even today, and therefore can attend the January 3 hearing. Counsel for Defendants does not need any additional time to respond to Plaintiff's submission today with regard to the related case designation, as it is a simple and straightforward matter.

In the past, in *Klayman I*, this Court had ordered U.S. Department of Justice attorneys to work around the clock in a matter at the pinnacle of national appearance. Given that this case is related to and a continuation of the alleged unconstitutional illegalities found by this Court in *Klayman I*, the same exigency exists. The Court has likely recognized this in scheduling the hearing expeditiously, and given that, can require counsel by court order for Defendants to appear. They will not be prejudiced in doing so. They will certainly receive any back pay for any time expended, as historically has been the case with so called government shutdowns. And, the court's request that they appear on January 3, 2018 will obviously carry weight with their superiors.

It is not uncommon for lawyers of the Department, of which the undersigned counsel was once, to put in non- working hour time that is required to defend or prosecute cases, including working on weekends and nights. This is routine in our profession.

Practically and importantly, Mr. Corsi, his spouse and his counsel, Larry Klayman, who is on the West Coast have already made travel arrangements and Mr. Klayman has rearranged his client and litigation schedule so that he can be present at the January 3, 2019 hearing. A stay is therefore not only unnecessary, it would also prejudice Dr. Corsi, his spouse and his counsel.

Based on the foregoing, Mr. Corsi respectfully requests that this Court deny Defendants' motion for stay and keep the January 3, 2019 hearing on calendar in order to prevent unnecessary and unwarranted delay.

Dated: December 26, 2019

Respectfully submitted,
/s/ Larry Klayman
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CERTIFICATE OF SERVICE

I, Larry Klayman, counsel for Plaintiffs hereby certify that on this day, December 26, 2018, a copy of the foregoing was filed via this Court's ECF system and served upon all parties and/or counsel of record.

/s/ Larry Klayman
Larry Klayman

Mueller's office would continue working in the event of a government shutdown



Washington (CNN) — Special counsel Robert Mueller's office would still be able to continue working if the federal government shuts down next week as a result of lawmakers' inability to produce a spending package before funding expires for several government agencies.

Mueller's office is "funded from a permanent indefinite appropriation and would be unaffected in the event of a shutdown," a Justice Department spokesperson told CNN Wednesday. "The appropriation bills before Congress do not touch the (special counsel's office)."

Should no deal be reached by December 7, funding for several agencies, including the Department of Homeland Security, will expire.

Concerns about the continuity of Mueller's investigation, which is



investigating Russian interference in the 2016 presidential election and whether anyone from President Donald Trump's campaign was involved, were also raised [earlier this year](#) when an eventual shutdown loomed in January.

At the time, a Justice spokesperson confirmed to CNN that employees in the office are considered exempt from furlough and "would continue their operations in the case of a lapse in appropriations."

CNN's Phil Mattingly and Eli Watkins contributed to this report.